

The Honorable Brian A. Tsuchida

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BEFORE, The Honorable Brian A. Tsuchida, United States Chief Magistrate Judge, U. S. Courthouse, Seattle, Washington.

COUNT 1

(Possession of Depictions of Minors Engaged in Sexually Explicit Conduct)

22 Beginning at a time unknown, but no later than May 2019, at Seattle, within the
23 Western District of Washington, and elsewhere, the Defendant, DAKOTA NASIATKA,
24 did knowingly possess matter that contained visual depictions the production of which
25 involved the use of minors engaging in sexually explicit conduct, and the visual
26 depictions were of such conduct, that had been mailed and shipped and transported in and
27 affecting interstate and foreign commerce by any means, including by computer, and
28 which had been produced using materials that had been mailed and shipped and

1 transported in and affecting interstate and foreign commerce by any means, including by
2 computer, and the images of child pornography involved include images of a
3 prepubescent minor and a minor who had not attained 12 years of age.

4 All in violation of Title 18, United States Code, Section 2252(a)(4)(B) and
5 2252(b)(2).

6

7 And the Complainant states that this Complaint is based on the following
8 information:

9 I, Curtis Crowder, being first duly sworn on oath, depose and say:

10

11 I. INTRODUCTION

12 1. I am a Special Agent (SA) with the U.S. Department of Homeland Security,
13 Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI),
14 assigned to the Seattle, Washington, field office. I have been an agent with HSI since
15 2003. HSI is responsible for enforcing the customs and immigration laws and federal
16 criminal statutes of the United States. As part of my duties, I investigate criminal
17 violations relating to child exploitation and child pornography, including the production,
18 distribution, receipt, and possession of child pornography and material involving the
19 sexual exploitation of minors in violation of 18 U.S.C. §§ 2251, 2252, and 2252A. I am a
20 graduate of the Federal Law Enforcement Training Center (FLETC) HSI Special Agent
21 Training Program and have received further specialized training in investigating child
22 pornography and child exploitation crimes. I have also had the opportunity to observe and
23 review examples of child pornography (as defined in 18 U.S.C. § 2256(8)). I have
24 participated in the execution of previous search warrants that involved child exploitation
25 and/or child pornography offenses and the search and seizure of computers and other
26 digital devices. I am a member of the Seattle Internet Crimes Against Children Task
27 Force and work with other federal, state, and local law enforcement personnel in the
28 investigation and prosecution of crimes involving the sexual exploitation of children.

1 2. As further detailed below, based on my investigation and the investigation
2 of other law enforcement officers, I believe there is probable cause to conclude that
3 DAKOTA NASIATKA has committed the violation described above. In particular, the
4 investigation has uncovered substantial evidence that DAKOTA NASIATKA possessed
5 child pornography on or before May 23, 2019.

6 3. The facts set forth in this complaint are based on my own personal
7 knowledge; knowledge obtained from other individuals during my participation in this
8 investigation, including other law enforcement officers; review of documents and records
9 related to this investigation; communications with others who have personal knowledge
10 of the events and circumstances described herein; and information gained through my
11 training and experience.

12 4. Because this complaint is offered for the limited purpose of establishing
13 probable cause, I list only those facts that I believe are necessary to support such a
14 finding. I do not purport to list every fact known to me or others because of this
15 investigation.

16

17 II. SUMMARY OF INVESTIGATION

18 5. In October 2020, Homeland Security Investigations (HSI) Seattle,
19 Washington, received the Seattle Police Department's (SPD) investigative reports,
20 information, and evidence regarding DAKOTA NASIATKA. A review of the
21 information and evidence revealed that DAKOTA NASIATKA committed the crime of
22 Possession of Depictions of Minors Engaged in Sexually Explicit Conduct RCW
23 9.68A.070.

24 6. A criminal history records check of DAKOTA NASIATKA showed he was
25 charged on December 21, 2010, with Gross Sexual Imposition in Fairfield, Ohio. On
26 January 21, 2011, in Butler County Juvenile Court, DAKOTA NASIATKA pled guilty to
27 the sexual offense of Gross Sexual Imposition. The victim identified in that case was
28 three years old and NASIATKA was fifteen years old.

1
 2 7. On July 2, 2019, Detective Schendel of the Bellevue Police Department
 3 (BPD) was assigned to investigate a CyberTip provided by the National Center for
 4 Missing and Exploited Children (NCMEC). On or about May 2019, Facebook reported
 5 to NCMEC via CyberTip number 49866942 one of its subscribers, identified as
 6 DAKOTA NASIATKA, had shared an image containing depictions of a minor engaging
 7 in sexually explicit conduct with another Facebook subscriber via Facebook Messenger
 8 on May 23, 2019 at 17:57:57 hours UTC¹. The recipient of the image was later believed
 9 to be NASIATKA's girlfriend.

10 8) Facebook reported that the image was uploaded from Internet Protocol (IP)
 11 address 2607:fb90:f3a:b31e:cbef:fb11:3012:619c. An internet Geo Lookup search of IP
 12 address 2607:fb90:f3a:b31e:cbef:fb11:3012:619c listed T-Mobile as the registrant.

13 9) On July 30, 2019, BPD Detective Schendel obtained King County Superior
 14 Court search warrants, requesting information from T-Mobile pertaining to IP address
 15 2607:fb90:f3a:b31e:cbef:fb11:3012:619c on 05-23-2019 at 17:57:57 UTC and IP address
 16 2607:fb90:8368:e5f:ef0b:46d4:8aac:949f on 04-24-2019 at 22:34:21 UTC. On August 7,
 17 2019, T-Mobile responded, showing on 05-23-2019 at 17:57:57 UTC, IP address
 18 2607:fb90:f3a:b31e:cbef:fb11:3012:619c was being used by subscriber DAKOTA
 19 NASIATKA at an address in Lake Forest Park, King County, Washington.

20 10) Detective Schendel searched Department of Licensing (DOL) records and
 21 determined DAKOTA J. NASIATKA had updated his address information in August of
 22 2019. DAKOTA J. NASIATKA moved from the Lake Forest, WA address to an
 23 apartment in Seattle, Washington.

24 11) Washington State Employment Security Department records showed
 25 DAKOTA J. NASIATKA as an employee at a furniture store and a restaurant in King
 26 County, Washington.

27
 28 ¹ UTC, or Coordinated Universal Time, is the primary time standard used in the world and is calculated to be within
 1 second of mean solar time at 0° longitude.

1 12) Due to NASIATKA residing and working in Seattle, WA, the case was
2 reassigned to SPD Detective Nichols on September 20, 2019.

3 13) Detective Nichols viewed the child pornography image provided in the
4 CyberTip and believed it depicts the sexual exploitation of minors as outlined in RCW
5 9.68A. Her description was as follows:

6 File 91sej5vyte044swg52588050_304442946884428_6442653971399049216_n.jpg:
7 The image depicts Child 1, who appears to be a toddler, leaning over the edge of bed,
8 facing away from the camera. Only the legs and the buttocks and anus of Child 1 is
9 depicted. Another female, who is Caucasian with blonde hair and whose face is partially
10 visible but it is unclear if it is an adult or pubescent minor, is positioned to the right of
11 Child 1. This female is kneeling over the edge of the bed and is using both hands to hold
12 onto the toddler's buttocks and spread the toddler's buttocks checks as another female
13 child (Child 2), who appears to be from toddler age to six or seven years old (only her
14 bare back is visible to the camera angle), appears to be holding a purple object near the
15 toddler's vagina and/or anus, as if Child 2, who is closest to the camera, is a Caucasian
16 female with light brown/dark blonde hair that appears to fall below her shoulders. There
17 is a fourth female (Child 3) whose face is not visible, who is wearing a black bra who
18 appears to be a pubescent minor. Child 3 is leaning over the edge of the bed and appears
19 to be looking at the toddler's anus/vagina area. The image appears to be small and low
20 quality. The bed in the photo appears to have a pattern blanket/bedspread on it with a red
21 silk bed skirt. The carpet on the floor is also floral patterned.

22 14) Detective Nichols conducted a Seattle Police Records Management inquiry
23 and located a Dakota Joseph NASIATKA, date of birth: XX-XX-1995 residing at the
24 same apartment in Seattle, Washington identified in DOL records.

25 15) In CyberTip number 49866942, Facebook provided a subscriber profile
26 picture, for the NASIATKA's Facebook account. Detective Nichols compared the
27 profile picture to the Washington Department of Licensing photo for DAKOTA
28 NASIATKA and she determined the photos were of the same subject.

1 16) On November 7, 2019, Detective Nichols met with the resident manager for
2 the apartment complex where NASIATKA resided. The resident manager confirmed
3 NASIATKA lived at the address along with his girlfriend.

4 17) On November 15, 2019, Detective Nichols obtained a residential search
5 warrant for NASIATKA's address from the Honorable Catherine Schaffer of King
6 County Superior Court.

7 18) On November 19, 2019, the search warrant was executed at NASIATKA 's
8 apartment. NASIATKA was not present at the time but his girlfriend was present. The
9 following electronic devices were seized at the Subject Premises:

- 10 a) LG Cell Phone
- 11 b) Apple A1288 iPod
- 12 c) Hitachi HDD
- 13 d) Seagate HDD
- 14 e) Samsung SSD
- 15 f) Apple A1661 Cell Phone

16 19) DAKOTA NASIATKA was located at his job, where he was interviewed
17 and his cell phone, a Samsung Galaxy A20, that was in his possession was seized.
18 DAKOTA NASIATKA denied sending child pornography to his girlfriend and denied
19 viewing child pornography.

20 20) A forensic review was conducted of the seized devices. Detective located
21 90 images and 50 videos of child pornography on NASIATKA's cell phone, the Samsung
22 Galaxy A20. On December 31, 2019, the images and videos were submitted to the Child
23 Victim Identification Program (CVIP) at NCMEC. NCMEC identified approximately 16
24 image files, 14 video files and a total of 27 files of identified series child victims.

25 21) An examination of the cell phone belonging to NASIATKA's girlfriend
26 was conducted. The following search terms were found in the search history: "erotic
27 baby pics," "young teen sex," "PTHC [preteen hardcore]," "top 100 CP [child

1 pornography] sites;" and "young teen sex." NASIATKA admitted to having used his
2 girlfriend's phone but denied knowledge of the search terms.

3 22) On March 2, 2020, SPD Detective Nichols was assigned to investigate
4 CyberTip #59128790 provided by NCMEC. On November 8, 2019, the chat app Discord
5 Inc. reported to NCMEC via CyberTip 59128790 one of its users, Screen/User Name:
6 Anku# 1990 with the name "Dakota nasiatka [sic]," had uploaded an image containing
7 depictions of a minor engaging in sexually explicit conduct on 11-07-2019 at 23:39:39
8 UTC. Detective Nichols viewed the image and believed it depicts the sexual
9 exploitation of minors as outlined in RCW 9.68A. Her description of the image is as
10 follows:

11 The image is a continuously looping .gif file depicting a child, who is
12 approximately one to two years old due to their size, being held down on the
13 buttocks by an adult female's hands while an adult male is penetrating the child's
14 anus with his erect penis. It is unclear whether the child is a male or female.

15 23) During a forensic examination of NASIATKA's cell phone, a review of the
16 phone's contacts showed the email address used by the Discord user under the name
17 Dakota Nasiatka. The above described .gif image reported in the CyberTip #59128790
18 was not located on DAKOTA NASIATKA's cell phone.

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III. CONCLUSION

2 Based on the above facts, I believe that there is probable cause to conclude that
3 DAKOTA NASIATKA committed the offense(s) charged in this Complaint.

CURTIS CROWDER Digitally signed by CURTIS CROWDER Date: 2021.02.05 10:48:52 -08'00

CURTIS CROWDER, Complainant,
Special Agent
Department of Homeland Security
Homeland Security Investigations

11 The above-named agent provided a sworn statement attesting to the truth of the
12 contents of the foregoing affidavit and complaint, the Court hereby finds that there is
13 probable cause to believe the Defendant committed the offenses set forth in the
14 Complaint.

DATED this 8th day of February, 2021.

The Honorable Brian A. Tsuchida
United States Chief Magistrate Judge